

PATENT

ATTORNEY DOCKET NO. : D0932-00230DIV

**III. Remarks**

The Action rejects pending Claims 1-15. Reconsideration and withdrawal of the rejections of these claims in view of the following arguments are respectfully requested.

**A. Rejection under 35 U.S.C. 102**

The Action rejects Claims 1-3, 5 and 7-14 as being anticipated by U.S. Patent No. 4,366,197 to Hanlon et al. ("Hanlon") Claim 1 is directed to a siding panel including a sheet of polymeric material including a molded central portion. The molded central portion includes "a plurality of adjacent shingle impressions of substantially the same length." Each of the shingle impressions includes a bottom edge where at least one of said bottom edges is beveled to give the appearance of shingles having different lengths. It is submitted that Hanlon does not teach adjacent shingle impressions of substantially the same length, wherein at least one of the bottom edges is beveled to give the appearance of shingles having different lengths.

FIGS. 3-5 illustrate the siding panel of Hanlon. A sheet 32 having multiple courses of siding shakes is formed as shown in FIG. 3. The sheet 32 of FIG. 3 is then cut as illustrated in FIG. 4 to form separate shake courses for installation as shown in FIG. 5. FIGS. 3 and 5 are the best illustrations of the bottom edges 52 of the shakes of Hanlon. As is clear from these figures, each shake 30 has a substantially different length than a shake 30 adjacent thereto. Indeed, Hanlon provides that "[t]he bottom walls 52 of each of the shakes 30 terminate at varying points to provide an irregular, realistic appearance. For this reason, the bottom edges of the walls 52 meet the opposing sloping wall 50 at various distances from the ridge 46 but always at the same depth relative to the planar surface." (Column 4, Lines 11-17). In describing the installation of FIG. 5, Hanlon provides that "the tapered, finished edge 52 of each shingle 30 will overlap a portion of one or more shingles 30 of the lower building panel 36 so as to accurately resemble a plurality of shingles laid side-by-side. Of course, some of the shingles will incur a larger overlap because of their larger dimension." (Column 5, Lines 54-60) (emphasis added).

PATENT

ATTORNEY DOCKET NO.: D0932-00230DIV

From the foregoing, it should be apparent that Hanlon provides adjacent shakes 30 that are designed to have substantially different lengths, like conventionally installed individual wooden shakes. It also appears from the figures that every shake of Hanlon has a beveled bottom edge. This reinforces the point that it is not the beveled bottom edges of the shakes of Hanlon that give the appearance of shingles having different lengths, but rather the fact that each shake 30 actually has a different length than an adjacent shake 30.

Therefore, Hanlon does not teach "a plurality of adjacent shingle impressions of substantially the same length, . . . at least one of said bottom edges being beveled to give the appearance of shingles having different lengths" as claimed in independent Claim 1. It is submitted that Claim 1 is not anticipated by Hanlon and is allowable. Claims 2-9 depend from Claim 1 and are also allowable.

Although allowable for the reasons set forth above with respect to Claim 1, it is submitted that dependent Claims 2, 8 and 9 are also independently allowable over Hanlon. Claim 2 recites that the siding panel includes a second lateral edge portion containing a nail edge and including a plurality of preformed fastener apertures therethrough. In rejecting this claim, the Examiner points to nail 78 of FIG. 5 for providing this feature. It appears from FIG. 5 and the accompanying description that nail 78 is driven through the panel of FIG. 5. There are no preformed apertures provided on a nailing edge of the panels.

Claim 8 recites, through its dependency on Claim 7, that a plurality of bottom edges are beveled and that alternating bottom edges are beveled. As noted above, it appears that each bottom edge 52 of the shakes 30 of Hanlon is beveled. Because each bottom edge is beveled, alternating bottom edges (i.e., every other bottom edge) of the shakes 30 of Hanlon cannot be beveled. Therefore, Claim 8 is not anticipated by Hanlon.

Claim 9, which depends from Claim 7, also recites that a plurality of bottom edges are beveled and that the bottom edges are beveled in a non-periodic pattern. As noted above, it

PATENT

ATTORNEY DOCKET NO.: D0932-00230DIV

appears that each bottom edge 52 of the shakes 30 of Hanlon is beveled. Because each bottom edge is beveled, the bottom edges are not beveled in a non-periodic pattern.

Independent Claim 10 is also directed to a siding panel. Like Claim 1, Claim 10 recites that the siding panel includes a central portion comprising a plurality of adjacent shingle impressions of substantially the same length. Claim 10 also recites that a plurality of the bottom edges are beveled to give the appearance of shingles having different lengths. It is submitted that for at least the reasons set forth above in connection with Claim 1, Claim 10 is also not anticipated by Hanlon and is allowable. Claims 11-14 depend from Claim 10 and are also allowable.

Claims 13 and 14 recite the features examined in connection with Claims 8 and 9, respectively. It is submitted that for the reasons set forth above in connection with Claims 8 and 9, Claims 13 and 14 are also independently allowable over Hanlon.

**B. Rejection under 35 U.S.C. §103**

The Action rejects Claim 6 as being obvious from Hanlon. It is submitted that Claim 6 depends from allowable Claim 1 and is, therefore, also allowable.

The Action rejects Claims 4 and 15 as being obvious from Hanlon in view of U.S. Patent No. 6,635,218 to King. It is submitted that Claim 4 depends from allowable Claim 1 and is, therefore, also allowable.

Like independent Claims 1 and 10, independent Claim 15 also recites that the siding panel includes a central portion comprising a plurality of adjacent shingle impressions of substantially the same length. Claim 15 also recites that a plurality of non-adjacent shingles have bottom edges that are beveled to give the appearance of shingles having different lengths. For at least the reasons set forth above in connection with Claims 1 and 10, it is submitted that Claim 15 is allowable over the art of record.

PATENT

ATTORNEY DOCKET NO.: D0932-00230DIV

## IV. Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: November 10, 2004

Joseph A. Powers  
Joseph A. Powers, Reg. No.: 47,006  
Attorney For Applicants

DUANE MORRIS LLP  
One Liberty Place  
Philadelphia, Pennsylvania 19103-7396  
(215) 979-1842 (Telephone)  
(215) 979-1020 (Fax)